

IN THE SENATE

SENATE BILL NO. 1204

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-207, IDAHO CODE, TO DELETE PROVISIONS RELATING TO AN OFFICIAL SEAL OR LABEL ATTACHED TO PACKAGES OF LIQUOR SOLD TO THE GENERAL PUBLIC, AT A LIQUOR STORE OR DISTRIBUTING STATION, WHICH IS NOT A LICENSED PREMISES; AMENDING SECTION 23-311, IDAHO CODE, TO DELETE A REQUIREMENT THAT A CONTAINER OF ALCOHOLIC LIQUOR SOLD TO THE GENERAL PUBLIC WITH AN OFFICIAL SEAL OR LABEL AFFIXED TO SUCH CONTAINER AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 23-610, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ILLEGAL POSSESSION OF CERTAIN ALCOHOLIC LIQUOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-207, Idaho Code, be, and the same is hereby amended to read as follows:

23-207. SPECIFIC RULES AND REGULATIONS. Without attempting or intending to limit the general powers of the superintendent of the dispensary contained in section 23-206, Idaho Code, such powers shall extend to and include the following:

(a) To prescribe the duties of the secretary, and to supervise his conduct while in the discharge of his duties.

(b) Subject to the provisions of chapter 53, title 67, Idaho Code, to prescribe the qualifications of and to select clerks, accountants, agents, vendors, inspectors, servants, legal counsel, and other personnel to conduct its business and perform its functions; to require that those holding positions of trust be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code; to fix the compensation of all appointees and employees, assign their duties, and to discharge them.

(c) To regulate the management, operation, bookkeeping, reporting, equipment, records, and merchandise of state liquor stores and distribution stations and warehouses.

(d) To regulate the importation, purchase, transportation, and storage of alcoholic liquor and the furnishing of alcoholic liquor to state liquor stores, distribution stations, and warehouses established under this act.

(e) To determine the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses and for sale at state liquor stores and distribution stations.

(f) To determine the nature, form, and capacity of packages containing liquor kept or sold.

(g) To prescribe the kinds and character of official seals or labels to be attached to packages of liquor sold to a licensed premises. No official seals or labels shall be required to be attached to packages of liquor sold to the general public, at a liquor store or a distributing station, which is not a licensed premises through liquor stores or distributing stations.

1 (h) From time to time to fix the sale prices, which shall be uniform throughout the state,  
 2 of the different classes, varieties, or brands of alcoholic liquor, and to issue and distribute price  
 3 lists thereof.

4 (i) To prescribe, prepare, and furnish printed forms and information blanks necessary or  
 5 convenient for administering this act, and printed copies of the regulations made thereunder. To  
 6 contract for the printing thereof and of all necessary records and reports.

7 (j) To regulate the issuance, suspension and revocation of permits and licenses to  
 8 purchase, manufacture and handle or traffic in alcoholic liquor.

9 (k) To prescribe the conditions and qualifications necessary for obtaining permits and  
 10 licenses, and the conditions of use of privileges under them; and to provide for the inspection  
 11 of the records and the conduct of use of permittees and licensees.

12 (l) To prescribe the kind, quality, and character of alcoholic liquors which may be  
 13 purchased or sold under any and all licenses and permits, including the quantity which may  
 14 be purchased or sold at any one (1) time or within any specified period of time.

15 SECTION 2. That Section 23-311, Idaho Code, be, and the same is hereby amended to  
 16 read as follows:

17 23-311. CONTAINERS ~~AND LABELS~~. No alcoholic liquor shall be sold to any  
 18 purchaser, which is not a licensed premises, except in a sealed container ~~with the official seal~~  
 19 ~~or label prescribed by the dispensary~~ and no such container shall be opened upon the premises  
 20 of any state warehouse, store, or distributing station. No alcoholic liquor shall be sold to a  
 21 licensed premises except in a sealed container with the official seal or label prescribed by the  
 22 dispensary.

23 SECTION 3. That Section 23-610, Idaho Code, be, and the same is hereby amended to  
 24 read as follows:

25 23-610. POSSESSION OF ~~UNSTAMPED~~ LIQUOR NOT SUBJECT TO  
 26 REGULATION BY DISPENSARY – ILLEGAL – EXCEPTIONS. It shall be unlawful for any  
 27 person, which is not a licensed premises, to possess more than two (2) quarts of alcoholic  
 28 liquor that ~~does has not have affixed thereto the official seal or label prescribed~~ been subjected  
 29 to regulation by the Idaho liquor dispensary, except public carriers transporting alcoholic liquor  
 30 for the Idaho liquor dispensary. All licensed premises shall have liquor to which is affixed the  
 31 official seal or label prescribed by the liquor dispensary.